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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,464	08/21/2003	Robert Wakley	23-0282	7995

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/645,464

Applicant(s)

WAKLEY, ROBERT

Examiner

Hau V Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 8/21/2003 has been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (6,270,096).**

Cook in figure 1, discloses an inline skateboard assembly comprising a generally planar elongated board (12), a plurality of roller sets (21, 22), each roller set have a plurality of rollers (34), wherein each roller set is fixedly coupled to an underside of the board to form a line of roller sets to allow the board to move backward and forward along a longitudinal axis of the aligned roller sets. Wherein the plurality of roller set are longitudinally separated (not directly connected to each other) and having a spaced between each other.

Regarding claim 2, Cook discloses the rollers of each roller set, which are aligned to form a single row of rollers.

Regarding claim 3, Cook discloses the longitudinal axis of the aligned roller sets, which is vertically aligned with a longitudinal axis passing through a center of the board when the roller sets are in a vertical position.

Regarding claim 10, Cook discloses the roller sets, which has a cumulative total of eight (col. 3, lines 21-26).

Regarding claim 11, Cook discloses each of the roller sets, which is constructed of polyurethane.

Regarding claim 12, Cook discloses each of the roller sets including an internal set of ball bearings (col. 3, lines 31-36).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (6,270,096) as applied to claim 1 above, and further in view of Yi (5,660,401).**

Cook discloses the inline skateboard, but fails to show a brake member.

Yi in figures 5-6, teaches an inline skateboard having a brake member (57), which is positioned adjacent to one of a roller (33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline

skateboard of Cook with the addition of a brake member as taught by Yi in order to stop or slow the inline skateboard motion as circumstances may require on steep slopes.

Regarding claim 5, Yi discloses the board having upwardly turned ends.

Regarding claim 6, Yi discloses the board having a length of about 31 inches and a width about 8 inches (col. 4, lines 1-5, the platform is sufficient for a person to stand with both feet on the platform).

Regarding claim 7, Yi discloses the roller (33), which is about three-quarter inches in diameter and a clearance between the roller and the board is about 1 inch. Therefore, a height to position the board approximately 4 inches above a supporting surface.

Regarding claim 8, Yi discloses the board, which is substantially octagonal.

**6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (6,270,096) as applied to claim 1 above, and further in view of Hanson (6,386,561).**

Cook discloses the inline skateboard, but fails to show the board, which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic.

Hanson in figures 1-2, teaches a skateboard comprising a board deck (100), which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Cook with the skateboard comprising a board deck, which is constructed of a material chosen from the

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group of material consisting of wood, fiberglass and plastic as taught by Hanson in order to reduce weight and durable for the skateboard in the modern day skateboarder.

**7. Claims 1-3, 10-12 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Namiki (6,428,022) in view of Hegna (4,382,605).**

Namiki in figures 1-3, discloses an inline skateboard assembly comprising a generally planar elongated board (10), a plurality of roller sets (12, 14), each roller set have rollers (18, 20), wherein each roller set is fixedly coupled to an underside of the board to form a line of roller sets to allow the board to move backward and forward along a longitudinal axis of the aligned roller sets. Namiki fails to show each roller set having a plurality of rollers.

Hegna in figures 1-2, teaches a tilt steering tandem wheeled, which can be used as a skateboard comprising a plurality of roller sets (8), each roller set having a plurality of rollers (7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Namiki with the tilt steering tandem wheel having a plurality of roller sets as taught by Hegna in order to keep a variety of the rollers not prone to jerks of directional changes when one roller hits an unevenness in the road.

Regarding claim 2, Hegna discloses the rollers of each roller set, which are aligned to form a single row of rollers.

Regarding claim 3, Hegna discloses the longitudinal axis of the aligned roller sets, which is vertically aligned with a longitudinal axis passing through a center of the board when the roller sets are in a vertical position.

Regarding claim 10, Hegna discloses the roller sets, which can be had a cumulative total of eight.

Regarding claim 11, Hegna discloses each of the roller sets, which is constructed of polyurethane.

Regarding claim 12, Hegna discloses each of the roller sets including an internal set of ball bearings (as shown in figure 1).

**8. Claims 4-8 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Namiki (6,428,022) in view of Hegna as applied to claim 1 above, and further in view of Yi (5,660,401).**

The combination of Namiki and Hegna disclose the inline skateboard, but fail to show a brake member.

Yi in figures 5-6, teaches an inline skateboard having a brake member (57), which is positioned adjacent to one of a roller (33). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Namiki in view of Hegna with the addition of a brake member as taught by Yi in order to stop or slow the inline skateboard motion as circumstances may require on steep slopes.

Regarding claim 5, Yi discloses the board having upwardly turned ends.

Regarding claim 6, Yi discloses the board having a length of about 31 inches and a width about 8 inches (col. 4, lines 1-5, the platform is sufficient for a person to stand with both feet on the platform).

Regarding claim 7, Yi discloses the roller (33), which is about three-quarter inches in diameter and a clearance between the roller and the board is about 1 inch. Therefore, a height to position the board approximately 4 inches above a supporting surface.

Regarding claim 8, Yi discloses the board, which is substantially octagonal.

**9. Claim 9 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Namiki (6,428,022) in view of Hegna as applied to claim 1 above, and further in view of Hanson (6,386,561).**

The combination of Namiki and Hagna disclose the inline skateboard, but fail to show the board, which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic.

Hanson in figures 1-2, teaches a skateboard comprising a board deck (100), which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inline skateboard of Namiki in view of Hegna with the skateboard comprising a board deck, which is constructed of a material chosen from the group of material consisting of wood, fiberglass and plastic as taught by Hanson in order to reduce weight and durable for the skateboard in the modern day skateboarder.

**10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (6,270,096).**



Regarding claim 14, Cook discloses the plurality of roller sets comprising two sets, wherein each of the roller sets includes three rollers except for four rollers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have additional roller, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

***Allowable Subject Matter***

11. Claims 13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

12. Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive. In response to applicant's remark that Cook does not disclose the roller sets being longitudinally separated and spaced from each other. The examiner disagrees, because Cook discloses the plurality of roller set are longitudinally separated (not directly connected to each other) and having a spaced between each other.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
8/10/05

Hau V Phan  
Primary Examiner  
Art Unit 3618